

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Status of the Claims

Claims 2, 4, 5, 7, 8, 15-17, 29 and 30 were previously canceled without prejudice or disclaimer of the subject matter recited therein.

Claims 9-14, 18-27, 31-34, and 44 have been canceled without prejudice or disclaimer of the subject matter recited therein. Applicants reserve the right to pursue the subject matter recited therein in further applications.

Claims 36 and 37 were previously withdrawn and have been rejoined.

Claim 1 has been amended.

New claim 47 has been added.

No new matter has been added.

Claims 1, 3, 6, 28, 35-43, 45 and 46 have been allowed.

Examiner Interviews

Applicants' attorney, Benjamin Han, conducted a telephone interview with Examiner Hoey on April 16, 2009, and Applicants' attorney, Louis DelJuidice, conducted a telephone interview with Examiner Hoey on May 1, 2009. Applicants' attorneys thank Examiner Hoey for the courtesies extended by the Examiner during the interviews.

During the first interview, rejoinder of the withdrawn claims was discussed. Specifically, the Examiner indicated that amending the withdrawn claims 9-14, 19, 31-33, and 44 to correct their antecedent basis issues would not result in rejoinder of claims 9-14, 19, 31-33, and 44. As noted above, the withdrawn claims have now been cancelled.

During the second interview, claim amendments to independent claim 1 and the addition of new claim 47 were discussed. The Examiner indicated that she would likely not impose an election/restriction requirement if new claim 47 was introduced concurrently with the filing of a

Request for Continued Examination ("RCE"). In accordance with the discussions during the second interview, claim 1 has been amended to more clearly recite the claimed pants garment, and new claim 47 has been added. Further, Applicants submit herewith an RCE.

It is respectfully submitted that each of the now-pending claims is in immediate condition for allowance.

Allowable Subject Matter

Applicants appreciatively acknowledge the Examiner's indication that claims 1, 3, 6, 28, 35-43, 45 and 46 are allowed.

New Claim

New claim 47 has been added. New claim 47 recites a pants garment having first and second back stretchable portions and a front second stretchable portions in various configurations. Support for claim 47 may be found, for example, in Figures 17A and 17B of the originally filed specification. No new matter has been added. Applicants respectfully submit that new claim 47 is in immediate condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the pending application is in condition for allowance and earnestly solicit same. If the Examiner believes there are any remaining issues which can be resolved by a Supplemental Amendment or an Examiner's Amendment, the Examiner is respectfully requested to telephone the undersigned at the telephone number indicated below.

Dated: May 11, 2009

Respectfully submitted,

By 

Louis J. DelJurdice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorney For Applicants